

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>CEDRIC D. BURROUGHS, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Case No.: 1:08-CV-1239-VEH</b>
	)	
<b>HONDA MANUFACTURING OF ALABAMA, LLC,</b>	)	
	)	
<b>Defendant.</b>	)	

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**MEMORANDUM OPINION AND ORDER**

**I. Introduction**

This lawsuit arises under the Fair Labor Standards Act (“FLSA”). (Doc. 1). On August 4, 2011, Defendant Honda Manufacturing of Alabama, LLC (“HMA”) filed a Motion to Dismiss (Doc. 139) (the “Motion”) relating to “opt-in plaintiffs who are not proper participants in this collective action class . . . .” (*Id.* at 1). HMA also filed its brief and evidence in support of the Motion on August 4, 2011. (Docs. 140, 141).

On August 25, 2011, Plaintiffs filed their response to the Motion. (Doc. 151). HMA followed with its reply (Doc. 156) on September 6, 2011.

## II. Analysis

HMA's Motion seeks to dismiss without prejudice the following list of 34 opt-in plaintiffs: Tammy Abbott, Danny Bean, Eric Clark, Willie Demming, Jr., Joseph Ellis, Julius Fitten, Justin Hill, Curtis Holman, Johnnie F. Johnson, David Lacey, William L. McAdams, Anthony McDonald, Randall Nelson, Keeyon Newton, Vikki Nobles, Dorothy Perry, Teddy Ray, Stan Rooks, James "Tommy" Scott, Pamela Sherman, Tommy Turner, Wilburn Nathan Turner, Gloria Wilson, Jeff Blocker, Kevin S. Brown, William S. Luck, Arthur Hardey, John Lee Hoskins, Eugene Jones, Darryl M. Mallory, Willie McLemore, Kevin Walker, Vanessa White, and Marcia Wood. (Doc. 139 at 1-2).

In their opposition, Plaintiffs concede that the five opt-in plaintiffs who worked as die cast associates (Doc. 151 at 5), the three opt-in plaintiffs who worked as stamping associates (*id.* at 6), and the three opt-in plaintiffs who worked as equipment service associates (*id.* at 7) "are outside the class definition." Accordingly, Plaintiffs agree with HMA that the claims of Arthur Hardey, John Lee Hoskins, Darryl M. Mallory, Kevin Walker, Marcia Woods, Eugene Jones, Willie McLemore, Vanessa White, Jeff Blocker, Kevin S. Brown, and William S. Luck, are due to be dismissed without prejudice. (*Id.* at 5-7).

Plaintiffs do challenge the Motion with respect to HMA's efforts to dismiss

team coordinators as improper parties. (Doc. 151 at 7-8). However, this particular issue is no longer before the court because, in its reply, “HMA withdraws its motion for summary judgment regarding the Team Coordinators as premature at this time, without prejudice to its refiling the Motion at a later date within the deadline for dispositive motions.” (Doc. 156 at 2).

### **III. Conclusion**

Accordingly, HMA’s Motion, as modified by its reply, is **GRANTED**. More specifically, the claims of the following 11 opt-in plaintiffs are with Plaintiffs’ consent **HEREBY DISMISSED WITHOUT PREJUDICE**: Arthur Hardey, John Lee Hoskins, Darryl M. Mallory, Kevin Walker, Marcia Woods, Eugene Jones, Willie McLemore, Vanessa White, Jeff Blocker, Kevin S. Brown, and William S. Luck.

**DONE** and **ORDERED** this the 2nd day of November, 2011.



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**VIRGINIA EMERSON HOPKINS**  
United States District Judge